

DRAFT MINUTES CITY OF NORWALK
SPECIAL MEETING OF THE ZONING BOARD OF APPEALS
November 28, 2018

PRESENT: Taylor Strubinger, Keith Lyon; Lee Levey; Gregory Brasher; Andy Conroy; Chris Gavrielidis; David Heuvelman (arrived late)

STAFF: Steve Kleppin; Aline Rochefort; Bryan Baker

OTHERS: Brian McCann, Esq., Anna Keegan, Esq.

I. CALL TO ORDER

Mr. Levey, as secretary, called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Strubinger called the roll and indicated that they had a quorum. Ms. Rochefort said that Mr. Heuvelman may arrive later.

III. ANNUAL ELECTION

Mr. Levey called for nominations from the floor. Mr. Levey said he would nominate himself as Chairperson for the Zoning Board of Appeals. and Mr. Conroy moved to seconded. All voted in favor.

***** MR. STRUBINGER MOVED that Mr. Levey be appointed the Chairperson of the Zoning Board of Appeals.**

Mr. Conroy seconded.

Taylor Strubinger, Keith Lyon; Lee Levey; Gregory Brasher; Andy Conroy; Chris Gavrielidis voted in favor.

No one opposed.

No one abstained.

Mr. Strubinger nominated Mr. Brasher as secretary. Mr. Brasher said that he was not sure if he could perform the duties. Mr. Lyon said he would do it but his travel calendar might restrict his availability. Mr. Conroy nominated himself as secretary.

***** MR. LYON MOVED that Mr. Conroy be appointed as Secretary of the Zoning Board of Appeals.**

Mr. Brasher seconded.

**Taylor Strubinger, Keith Lyon; Lee Levey; Gregory Brasher; Andy Conroy;
Chris Gavrielidis voted in favor.**

No one opposed.

No one abstained.

IV. EXECUTIVE SESSION – DISCUSSION OF PENDING LAWSUIT 7 Forest Hill Rd. #18-0607-02

Mr. Levey moved to go into Executive session to discuss the pending lawsuit for 7 Forest Hill Rd. Mr. Strubinger seconded.

***** MR. LEVEY MOVED to go into Executive session to discuss the pending lawsuit for 7 Forest Hill Rd., #18-0607-02**

Mr. Strubinger seconded.

**Taylor Strubinger, Keith Lyon; Lee Levey; Gregory Brasher; Andy Conroy;
Chris Gavrielidis voted in favor.**

No one opposed.

No one abstained.

At 7:40 p.m. the commissioners went into Executive Session and the room was cleared.

V. POSSIBLE ACTION ON ADA RECOMMENDATIONS

The commissioners returned from Executive Session at 9:14 p.m. There was a discussion about the ADA regulations and whether they undermined zoning regulations. Atty McCann made it clear that he had not stated that ADA regulations usurped zoning and that there was case law to that effect. Mr. Conroy believed that they had decided to uphold the appeal and the other commissioners agreed. They also discussed whether the city could win the lawsuit especially based upon the ADA Coordinator's recommendation. Mr. Levey said they should try to uphold the ZBA decision. There was a discussion about the fact that the definition of family had been changed in the zoning regulations recently and had not been in place when their original decision had been made. There was a further discussion about whether the city could lose the lawsuit. There was a discussion about the impact on the neighborhood. There was also a discussion about the ADA and its influence on the decision in light of new information received in Executive Session. It was decided that all regular members would vote on this motion. Mr. Conroy believed that in light of this new information they should allow the permittee to move forward.

***** MR. CONROY MOVED to set aside the Zoning Board of Appeals' previous decision based on the new ADA information that had been provided.**

Mr. Levey seconded.

Lee Levey; Gregory Brasher; Andy Conroy voted in favor.

Taylor Strubinger and Keith Lyon opposed.
No one abstained.

Motion was 3-2 in favor of the permittee which means it failed since it needed 4 votes to pass. The alternates did not vote on this motion.

VI. COMMENTS OF COMMISSIONERS

There were no comments from commissioners.

VII. ACTION ON HEARING MINUTES – September 6, 2018

Mr. Conroy asked that this item be tabled to the next meeting.

VIII. ADJOURNMENT

Mr. Strubinger made a Motion to Adjourn.

Mr. Lyon seconded.

Taylor Strubinger; Keith Lyon; Lee Levey; Gregory Brasher; Andy Conroy; Chris Gavrielidis; David Heuvelman in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Diana Palmentiero